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RESOLUTION NO. 04-635

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING CHERRY CREEK: FROM THE EAST LINE OF 127TH STREET EAST TO SIERRA HILLS; HORSEBACK, FROM THE NORTH LINE CHERRY CREEK TO THE NORTH LINE SIERRA HILLS ADDITION; SIERRA HILLS, FROM CHERRY CREEK TO THE EAST LINE LOT 17, BLOCK 2, SIERRA HILLS/SIERRA HILLS CIRCLE, FROM CHERRY CREEK TO AN INCLUDING CUL-DE-SAC, SIERRA HILLS CT., FROM THE WEST LINE SIERRA HILLS TO AND INCLUDING CUL-DE-SAC (LOTS 28-35, BLOCK 5), TRIPLE CROWN, FROM THE EAST LINE SIERRA HILLS TO THE NORTH LINE OF LOT 14, BLOCK 4, AND TRIPLE CROWN COURT, FROM THE SOUTH LINE TRIPLE CROWN TO AND INCLUDING CUL-DE-SAC. SIDEWALK ON ONE SIDE OF ALL THROUGH, NON CUL-DE-SAC STREETS, AND THE LOOP STREET OF SIERRA HILLS, TRIPLE CROWN AND MT. VERNON. HORSEBACK STREET SHALL BE PAVED WITH A TEMPORARY CUL-DE-SAC AT THE NORTH LINE OF THE ADDITION, (EAST OF 127TH STREET EAST, NORTH OF PAWNEE) 472-83703, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING CHERRY CREEK: FROM THE EAST LINE OF 127TH STREET EAST TO SIERRA HILLS; HORSEBACK, FROM THE NORTH LINE CHERRY CREEK TO THE NORTH LINE SIERRA HILLS ADDITION; SIERRA HILLS, FROM CHERRY CREEK TO THE EAST LINE LOT 17, BLOCK 2, SIERRA HILLS/SIERRA HILLS CIRCLE, FROM CHERRY CREEK TO AN INCLUDING CUL-DE-SAC, SIERRA HILLS CT., FROM THE WEST LINE SIERRA HILLS TO AND INCLUDING CUL-DE-SAC (LOTS 28-35, BLOCK 5), TRIPLE CROWN, FROM THE EAST LINE SIERRA HILLS TO THE NORTH LINE OF LOT 14, BLOCK 4, AND TRIPLE CROWN COURT, FROM THE SOUTH LINE TRIPLE CROWN TO AND INCLUDING CUL-DE-SAC. SIDEWALK ON ONE SIDE OF ALL THROUGH, NON CUL-DE-SAC STREETS, AND THE LOOP STREET OF SIERRA HILLS, TRIPLE CROWN AND MT. VERNON. HORSEBACK STREET SHALL BE PAVED WITH A TEMPORARY CUL-DE-SAC AT THE NORTH LINE OF THE ADDITION, (EAST OF 127TH STREET EAST, NORTH OF PAWNEE) 472-83703, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 03-096 adopted on February 11, 2003 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to improve Cherry Creek: from the east line of 127th Street East to Sierra Hills; Horseback, from the north line Cherry Creek to the north line Sierra Hills Addition; Sierra Hills, from Cherry Creek to

the east line Lot 17, Block 2, Sierra Hills/Sierra Hills Circle, from Cherry Creek to an including cul-de-sac, Sierra Hills Ct., from the west line Sierra Hills to and including cul-de-sac (Lots 28-35, Block 5), Triple Crown, from the east line Sierra Hills to the north line of Lot 14, Block 4, and Triple Crown Court, from the south line Triple Crown to and including cul-de-sac. Sidewalk on one side of all through, non cul-de-sac streets, and the loop street of Sierra Hills, Triple Crown and Mt. Vernon. Horseback Street shall be paved with a temporary cul-de-sac at the north line of the Addition, (east of 127th Street East, north of Pawnee) 472-83703.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Eight Hundred Forty-Eight Thousand Dollars (\$848,000.00)** exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **November 1, 2002**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**SIERRA HILLS ADDITION**

Lots 1-3, and 18-21, Block 1

Lots 1-17, Block 2

Lots 1, and 14-21, Block 4

Lots 1, 11-53, and Lot 58, Block 5

**Tract A:**

Lot 57, Block 5, together with the North 37.5 feet of Lot 56, Block 5, Sierra Hills, An Addition to Wichita, Sedgwick County, Kansas.

**Tract B:**

Lot 56, Block 5, except the North 37.5 feet thereof, together with the North 75 feet of Lot 55, Block 5, Sierra Hills, An Addition to Wichita, Sedgwick County, Kansas.

**Tract C:**

Lot 55, Block 5, except the North 75 feet thereof, together with Lot 54, Block 4, Sierra Hills, An Addition to Wichita, Sedgwick County, Kansas.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

That the following lots and tracts in Sierra Hills Addition, Wichita, Sedgwick County, Kansas shall each pay 1/81 of the total cost of the improvement district:

**SIERRA HILLS ADDITION**

Lots 1-3, and 18-21, Block 1  
Lots 1-17, Block 2  
Lots 1, and 14-21, Block 4  
Lots 1, 11-53, and Lot 58, Block 5

**Tract A:**

Lot 57, Block 5, together with the North 37.5 feet of Lot 56, Block 5, Sierra Hills, An Addition to Wichita, Sedgwick County, Kansas.

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**Tract C:**

Lot 55, Block 5, except the North 75 feet thereof, together with Lot 54, Block 4, Sierra Hills, An Addition to Wichita, Sedgwick County, Kansas.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, November 23, 2004.

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CARLOS MAYANS, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)